

INTRODUCED \_\_\_\_\_  
PUBLIC HEARING \_\_\_\_\_  
COUNCIL ACTION \_\_\_\_\_  
EXEC. ACTION \_\_\_\_\_  
EFFECTIVE DATE \_\_\_\_\_

**County Council Of Howard County, Maryland**

2005 Legislative Session

Legislative Day No. 6

**Bill No. 28-2005**

Introduced by: The Chairman at the request of the County Executive

AN ACT to authorize and empower Howard County, Maryland, to borrow up to \$11,388,000 on its full faith and credit, and issue and sell its bonds therefor, to be used to pay costs of Capital Project No. M0529 (FY2003 Instructional Building #2) and costs of issuance of such bonds; authorizing and empowering the County to issue bond anticipation notes or to enter into installment purchase agreements for payment of portions of such costs; and to levy taxes upon the assessable property within the County sufficient, together with revenues from Howard County Community College fees and other available funds, to pay the debt service on such obligations; and providing for and determining various matters in connection therewith.

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Introduced and read first time \_\_\_\_\_, 2005. Ordered posted and hearing scheduled.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator

Having been posted and notice of time & place of hearing & title of Bill having been published according to Charter, the Bill was read for a second time at a public hearing on \_\_\_\_\_, 2005.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator

This Bill was read the third time on \_\_\_\_\_, 2005 and Passed \_\_\_\_, Passed with amendments \_\_\_\_\_, Failed \_\_\_\_\_.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator

Sealed with the County Seal and presented to the County Executive for approval this \_\_ day of \_\_\_\_\_, 2005 at \_\_\_\_ a.m./p.m.

By order \_\_\_\_\_  
Sheila M. Tolliver, Administrator

Approved by the County Executive \_\_\_\_\_, 2005.

\_\_\_\_\_  
James N. Robey, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN ALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment.

1 **Recitals**

2 In accordance with the provisions of Section 603 of the Charter of Howard County, the  
3 County Executive has submitted a proposed Capital Budget for fiscal year 2006 to the County Council, and,  
4 prior to the passage of this Act, the County Council has adopted a Capital Budget for the fiscal year ending  
5 June 30, 2006.

6 As a part of the Capital Budget for the fiscal year ending June 30, 2006, it is necessary that Howard  
7 County, Maryland borrow a sum not exceeding \$11,388,000, the proceeds thereof to be used for the design  
8 and construction of a Visual, Performing and Fine Arts Instructional Building (Project No. M0529 –  
9 FY2003 Instructional Building #2) as more particularly described in such Capital Budget and in Section 1 of  
10 this bond enabling law (the “Project”), and for payment of costs of issuance of any obligations issued to  
11 evidence such borrowing.

12 **Now therefore, in accordance with the provisions of Article VI of the Charter of Howard**  
13 **County:**

14 **Section 1. Be it enacted by the County Council of Howard County, Maryland, That**  
15 Howard County, Maryland (the "County"), is hereby authorized and empowered to borrow on its full faith  
16 and credit, and issue and sell its bonds therefor, at one time or from time to time, an amount not exceeding  
17 \$11,388,000, the proceeds thereof to be used for the payment of a portion of the costs of the Project;  
18 including, without limitation, the cost of planning, design, construction, reconstruction, furnishing,  
19 equipping, improvements, renovations, remodeling, enlargements, engineering services, architects services,  
20 surveys, landscaping, site development, evaluation studies, land acquisition and related items, appurtenances  
21 and incidental activities.

22 Proceeds of any bonds authorized by this Act may also be used to pay costs of issuance of such  
23 bonds.

24 **Section 2. And be it further enacted by the County Council of Howard County, Maryland,**  
25 That, pursuant to and in accordance with Article 31, Section 12 of the Annotated Code of Maryland, as

1 amended, the County is also authorized to issue bond anticipation notes in anticipation of the issuance of the  
2 bonds authorized by this Act and described in Section 1 hereof, and all references to "bonds" or  
3 "obligations" in this Act shall include such bond anticipation notes, unless the context clearly requires a  
4 contrary meaning. It is intended that the aggregate principal amount of issued and outstanding bond  
5 anticipation notes when added to the aggregate principal amount of issued and outstanding bonds in  
6 anticipation of which such notes were issued, shall not exceed the aggregate principal amount set forth in  
7 Section 1 of this Act at any time. The County will agree in each ordinance described in Section 4 of this Act  
8 relating to any notes issued pursuant to this Act to pay such notes and the interest and premium, if any,  
9 thereon from the proceeds of the bonds in anticipation of the sale of which such notes are issued, and the  
10 County will agree to issue such bonds when, and as soon as, the reason for deferring their issuance no longer  
11 exists.

12 **Section 3. And be it further enacted by the County Council of Howard County, Maryland,**

13 That, in connection with the acquisition of real property as part of the Project, the County may incur all or  
14 any portion of the indebtedness authorized by this Act for such acquisition by entering into an installment  
15 purchase agreement pursuant to and in accordance with Section 4.201A of the Howard County Code  
16 ("Section 4.201A") or any successor provisions of law in lieu of issuing bonds for such acquisition. The  
17 principal amount of any such installment purchase agreement shall not exceed the lesser of (a) the maximum  
18 principal amount permitted by Section 4.201A or (b) the portion of the amount to be borrowed for the  
19 Project (as set forth in Section 1 hereof) which relates to such acquisition. All references to "bonds" or  
20 "obligations" in this Act shall include such installment purchase agreements, unless the context clearly  
21 requires a contrary meaning.

22 **Section 4. And be it further enacted by the County Council of Howard County, Maryland,**

23 That the County Council of Howard County, by an ordinance or ordinances adopted from time to time in  
24 accordance with Article VI of the Charter of Howard County and other applicable provisions of law, shall  
25 provide for (a) the issuance and sale of, (b) the designation, form, tenor, denomination or denominations and

1 maturities (not exceeding twenty-five years) of, and (c) the interest rate or rates per annum (or the method of  
2 determining such rate or rates) payable on, any bonds or other obligations issued from time to time under  
3 this Act; and may by any such ordinance, or by separate resolution, provide that the issue of bonds or other  
4 obligations hereby authorized be consolidated with one or more other issues as provided in Article 31,  
5 Section 2C of the Annotated Code of Maryland, as amended, and any successor provision of law.

6 **Section 5. And be it further enacted by the County Council of Howard County, Maryland,**

7 That for the purpose of paying the principal of and interest on such bonds or other obligations as the same  
8 shall become payable, the County Council of Howard County shall levy annually ad valorem taxes upon the  
9 assessable property in Howard County sufficient, together with revenues from Howard County Community  
10 College fees and other available funds, to pay the principal of and interest on such bonds or other  
11 obligations until all of such bonds or other obligations shall mature and be redeemed.

12 **Section 6. And be it further enacted by the County Council of Howard County, Maryland,**

13 That any bonds or other obligations issued from time to time under this Act are specifically exempt from the  
14 provisions of Article 31, Sections 10 and 11 of the Annotated Code of Maryland, as amended, and any  
15 successor provision of law.

16 **Section 7. And be it further enacted by the County Council of Howard County, Maryland,**

17 That all bonds or other obligations authorized hereby shall be issued within four years from the date this Act  
18 becomes effective. Notwithstanding the foregoing, if bond anticipation notes are issued within such period  
19 in accordance with Section 2 hereof and such notes have a stated maturity date after such expiration date,  
20 the bonds authorized hereby may be issued until the stated maturity date of such notes.

21 **Section 8. And be it further enacted by the County Council of Howard County, Maryland,**

22 That the County anticipates that a portion of the costs of the Project may be paid prior to the issuance of the  
23 bonds or other obligations authorized hereby. The amount of such costs so paid will depend on various  
24 factors, including, without limitation, the timing and speed of progress on the Project, the availability of

1 other funds to pay such costs on an interim basis, bond and money market conditions and compliance with  
2 federal and State laws and regulations.

3 Accordingly, the County reasonably expects to reimburse costs of the Project (as described herein)  
4 with proceeds of the bonds or other obligations authorized hereby, such bonds or other obligations to be  
5 issued by the County in the maximum principal amount of \$11,388,000.

6 **Section 9. And be it further enacted by the County Council of Howard County, Maryland,**

7 That this Act shall take effect sixty-one (61) days after its enactment.